

IN THE UNITED STATES DISTRICT COURT FOR THE ~~ENTERED~~
EASTERN DISTRICT OF OKLAHOMA

OCT 29 2010

MARTY R. ARDIZZONE,)
Petitioner,)
v.)
JUSTIN JONES, DOC Director,)
Respondent.)

WILLIAM C. CHRISTIE
Clerk, U.S. District Court
By _____ Deputy Clerk

No. CIV 09-325-Raw-Kew

ORDER AND OPINION
DENYING CERTIFICATE OF APPEALABILITY

Petitioner has filed a notice of intent to appeal the court's order entered September 21, 2010, denying his petition for a writ of habeas corpus. After a careful review of the record, the court concludes petitioner has not shown "at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether [this] court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). See also 28 U.S.C. § 2253(c).

Accordingly, petitioner is denied a certificate of appealability.

IT IS SO ORDERED this 29th day of October 2010.


RONALD A. WHITE
UNITED STATES DISTRICT JUDGE